

REMARKS

Claims 6 to 12 are now pending in the present application.

In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

With respect to paragraph five (5) of the Final Office Action, the specification is objected to because of informalities associated with the reference characters “PPS” and “SG” on page four.

It is respectfully submitted that such reference characters are proper, and are properly labeled in Figure 1. The reference characters “PPS” and “SG” are not acronyms, and therefore need not (and, in fact, cannot) be followed by the full expansion of the name or title. Instead, “PPS” and “SG” are reference characters for the pressure sensor and the control unit depicted in Fig. 1, respectively. As indicated in 608.02V of the MPEP and 37 C.F.R. 1.84(p), reference characters may be letters of the English alphabet, so that the use of the reference characters “PPS” and “SG” is not objectionable. Withdrawal of the present objections is therefore respectfully requested.

With respect to paragraph seven (7) of the Final Office Action, claims 6 to 10 were rejected under 35 U.S.C. § 102(e) as anticipated by Ohl et al., U.S. Patent Application Publication No. 2005/0068195.

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Office must provide a “basis in fact and/or technical reasoning to reasonably

support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; and see *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int’f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

Claim 6, as presented, is directed to a method for digital data transmission of sensor values from a sensor to a control unit, the sensor values generated from characteristics measured by the sensor, in which the method includes dividing the sensor values for data transmission at different resolutions, the sensor values forming a first range of values including successive sensor values, and dividing the first range of values as a function of a variable relevant for the control unit.

While the rejections may not be agreed with, to facilitate matters, claim 6 has been rewritten as to “sensor values” to better clarify the claimed subject matter. The Ohl reference does not identically disclose (or even suggest) a division of such sensor values, as provided for in the context of the presently claimed subject matter. It is also respectfully submitted that paragraph [0014] (as well as other portions of the Ohl reference) only refer to a division of “an available value range” into three portions, but these portions of the available data range are each dedicated to a different type of data.

As stated in paragraph [0014] of the Ohl reference, “[a] first portion of the value range is available for the sensor values. . . . A second portion is available for status signals and error signals. . . . A third portion is available for the sensor identification data.” In contrast, the dividing step of claim 6, as presented, is applied only to sensor values, as provided for in the context of the presently claimed subject matter. The sensor values of claim 6, as presented, do not encompass the “status and error signals” or the “sensor identification data” of the second and third portions of the Ohl reference.

The Specification of the present application concerns a distinction between “sensor values” and other types of sensor-related data. The Specification, for example, at page 2, lines 24 to 29, describes a pressure sensor that measures a pressure over a particular measuring range. The results of this measurement constitute sensor values. The Ohl reference, however, does not identically disclose (or even suggest) dividing sensor values for data transmission at different resolutions, in which the sensor values are generated from characteristics measured by the sensor.

Also, since the sensor values of the Ohl reference are not divided, the sensor values are not transmitted as different resolutions, as in the claimed subject matter. Even if the sensor values of the Ohl reference may be transmitted at a resolution different from the other types of data (e.g., the sensor status and error signals and sensor identification data), the sensor values themselves are all transmitted at the same resolution, as stated in paragraph [0013] (“a different transmission rate and resolution for the sensor values”) (emphasis added). Further, because the sensor values of the Ohl reference are not divided, the sensor values cannot be considered to be divided as a function of a variable relevant for the control unit.

In view of all of the foregoing, it is respectfully submitted that the Ohl reference does not identically describe (or even suggest) all of the features of claim 6, as presented, so that claim 6 is allowable, as are its dependent claims 7 to 10.

As further regards claim 7, the Ohl reference does not identically disclose (or even suggest) the feature in which the variable is a second range of sensor values for threshold values of a triggering algorithm for a restraining device, as in the claimed subject matter. The Final Office Action relies on the three portions of the available value range being available for sensor values, status and error signals, and sensor identification information, respectively, as in paragraph [0014] of the Ohl reference. This division of data is based on data type -- and is not based on any threshold values. All transmitted sensor values are transmitted in the first portion, all transmitted status and error signals are transmitted in the second portion, and all transmitted sensor identification information is transmitted in the third portion. There is no threshold for any of these values that constitutes a variable for the division of these values. Further still, no triggering algorithm for a restraining device is identically disclosed (or even suggested) in the Ohl reference.

For these additional reasons, claim 7 is allowable, as is its dependent claim 8. Withdrawal of the present rejections is therefore respectfully requested.

With respect to paragraph eight (8) of the Final Office Action, claims 6 to 12 are rejected under 35 U.S.C. § 102(e) as anticipated by Otterbach et al., U.S. Patent No. 6,943,669.

As to the Otterbach reference (at Fig. 2 and column 3, lines 56 et seq.), like the Ohl reference, the Otterbach reference does not identically disclose (or suggest) the division of sensor values, as in claim 6. Column 3, line 52 to column 4, line 34, indicates that

Fig. 2 has a “functional sequence” having phases I-IV. Phase I constitutes no data transmission, phase II constitutes transmission of sensor identifications, phase III constitutes transmission of status codes, and phase IV constitutes transmission of “actual sensory data acquired by sensor designs 13 and 14.” As explained above, as to the rejection of claim 6 based on the Ohl reference, sensor identification and status codes are not the “sensor values” of claim 6. The separate phases of Fig. 2 of the Otterbach reference therefore do not identically disclose, (or even suggest) dividing sensor values for data transmission at different resolutions, as provided for in the context of the presently claimed subject matter.

As to the Otterbach reference (at column 1, line 66 to column 2, line 2), this merely refers to “transmit[ting] the sensor values with different resolutions.” Since, however, the sensor values of the Otterbach reference are not divided, the Otterbach reference merely indicates that values from different sensors may be transmitted with different resolutions (e.g., acceleration sensor, steering angle sensor, pressure sensor, oil quality sensor, or chemical sensor, as listed in column 3, lines 20 to 26). The indication that values from different sensors may be transmitted at different resolutions does not identically disclose (or suggest) dividing sensor values from a sensor for transmission at different resolutions, as provided for in the context of the presently claimed subject matter.

Accordingly, claim 6 is allowable, as are its dependent claims 7 to 12.

As further regards claim 7, the Otterbach reference does not identically disclose (or even suggest) the feature in which the variable includes a second range of sensor values for threshold values of a triggering algorithm for a restraining device. As to the Otterbach reference (at column 3, lines 38 to 40), merely states that the control unit 1 triggers a restraint system, “[i]n a triggering case.” There is, however, no identical disclosure that this “triggering case,” or any threshold values related to the triggering case, corresponds to a variable for dividing the sensor values of claim 6.

In addition, the separate phases of Fig. 2 (relied upon by the Final Office Action) are distinguished from each other based on data type -- and are not based on any threshold values. There is no threshold for sensor identification, status codes, or sensor data that corresponds to a variable for the division of these values. For these additional reasons, claim 7 is allowable, as is its dependent claim 8.

Claims 11 and 12 are likewise allowable for essentially these same further reasons.

Accordingly, claims 6 to 12 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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Dated: 11/11/2009

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